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EXAMINER

MERCHANT, SHAHID R

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed February 11, 2008 have been fully considered but they are not persuasive. Applicant argues that Larson does not teach receiving an item that includes a field for identification, a field which contains a file handle and a field that contains a command specification. Examiner disagrees. When Larson's computer system asks a user to input data on a telephone keypad, the data that the computer system receives from the user is a field of information like identification, a file handle and a command specification. For example, when the computer requests the user to type in a password (identification), the user provides a field of data (i.e., the password) to the computer system. If the data is valid, the user would get access otherwise the access would be denied.

2. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., information should not be entered serially and should not be entered in response to prompts) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

3. Next, Applicant argues that Larson does not teach a rights verifier configured to determine whether or not the sender has privilege to access the stored file corresponding to said file handle. Examiner disagrees. Larson teaches that a password must be entered and verified before access to a file handle is given.

Examiner notes that the applied reference has been applied assuming basic knowledge of one of ordinary skill in the art and broadest reasonable interpretation of the claims. According to *in re Jacoby*, 135 USPQ 317 (CCPA 1962), the skilled artisan is presumed to know something more about the art than only what is disclosed in the applied references. Also, in *In re Bode*, 193 USPQ 12 (CCPA 1977), the court found that every reference relies to some extent on knowledge of persons skilled in the art to complement that, which is disclosed therein. As applied to Larson, it is within the basic knowledge of a skilled artisan that user's are given certain access privileges depending on their status as a user. Once a password is provided, the system allows access only to areas that the user has privileges to.

4. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). Applicant is advised to review column 3, lines 39-40 (Prust) where Prust discusses mobile computers known as hand held PC or personal digital assistants (PDA). In addition, Blackberry's are considered a type of PDA as evidenced by Reference U (see attached PTO-892).

/Kambiz Abdi/ Supervisory Patent Examiner, Art Unit 3692